

**TOWN OF HILDEBRAN
WESTERN PIEDMONT
COUNCIL OF
GOVERNMENTS
CONF ROOM A1**

**MARCH 28, 2016
7:00 p.m.**

**REGULAR MEETING
MINUTES**

**CALL TO ORDER AND
INVOCATION**

Mayor Cook called the regular meeting of the Town Council to order at 7:00 p.m. Jimmy Lynn from Icard Church of God led a prayer.

COUNCIL PRESENT

The following members of the Board were present: Mayor Virginia Cook, Council Members Brenda Banks, Barbara Lowman, Lee Lowman and Jody York. Leon King was not in attendance.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Administrator Tom Drum, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, and Town Planner Erin Schotte.

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

**ADOPTION OF
AGENDA**

Council Member L. Lowman made a motion to amend the agenda to add a closed session after old business to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. All voted in favor.

Council Member Banks made a motion to adopt the agenda as amended. All voted in favor.

**APPROVAL OF
MINUTES**

Council Member York made a motion to approve the February 26, 2016 special meeting minutes and the February 29, 2016 special meeting minutes. All voted in favor.

**OLD BUSINESS:
REPORT ON PROPERTY
ACQUISITION**

Attorney Dill reviewed that the Board had all toured the vacant First Citizens bank and that the Board instructed him to negotiate with the bank to acquire the building. He provided a proposed contract from the bank as a result of his negotiations. The bank offered the building to the public for \$275,000 and Mr. Dill offered \$219,500 which was accepted upon various additions the Town set forth which include inspections, an appraisal, if necessary, and for the Board to decide how to repurpose the building. The Town has 75 days after signing the

contract to complete its due diligence. Should the Board decide that the building does not meet its needs, the Board will cancel the contract and the \$10,000 earnest money will be refunded. The tax value is \$266,000. If the Board is in agreement to the contract, a budget amendment will be needed to include \$10,000 earnest money and at least \$5,000 for inspections and the appraisal including a structural inspection, air quality inspections and termite inspections. Two other decisions that need to be made include if the building will be purchased with cash or by financing and what Mr. Dill should tell the architect about retrofitting the building. He suggested using an architect in Hickory.

Council Member Banks asked what the interest rate is currently. Mr. Dill stated that local governments generally receive a low interest rate because the money will be tax exempt for the bank. Financing will be a longer process and there will only be 120 days before closing. Mr. Dill suggested purchasing the bank with cash and financing the renovation expenses.

Mayor Cook suggested that Mr. Dill move forward with the inspections and that Council consider the needs for the retrofit and have a special meeting in two weeks to discuss.

Council Member York stated that she was under the impression that the Board had only asked Mr. Dill to research the property and she did not agree to purchase the property. Mayor Cook asked Council if they were in agreement to purchase the property and sign the contract. Council Members Banks, B. Lowman and L. Lowman agreed to purchase the building and Council Member York was not in agreement. Attorney Dill stated that the contract could not be signed until a budget amendment was approved due to the timing issues. Mayor Cook informed the audience that she does not own the building and is not selling the property to the Town.

Council Member L. Lowman made a motion to approve a budget amendment not to exceed \$15,000 which includes \$10,000 for earnest money, which is refundable, and \$5,000 for inspections, which is not refundable. Council Member Banks, B. Lowman and L. Lowman voted in favor. Council Member York was opposed to the motion. The motion carried. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A.)

SECURITY CAMERAS
AT PARK/QUOTE

The quote for security cameras at the park that was discussed at the recent budget meeting was presented to the Board for approval. Council Member Banks made a motion to approve

the quote from Hunter Electronics LLC in the amount of \$5,646.45 for security cameras at the park playground area and the depot. All voted in favor.

Another quote provided for consideration included Audio/Video Enterprises, Inc. in the amount of \$8,641.99.

**BUDGET AMENDMENT
(SECURITY CAMERAS
AT PARK)**

Council Member York made a motion to approve a budget amendment in the amount of \$6,050.00 for the security cameras at the park. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment B.)

**COPIER LEASE-
APPROVAL**

A 60-month lease for a copier, scanner and fax machine was discussed at the recent budget meeting. Council Member York made a motion to approve the lease with SHARP Business Systems in the amount of \$270.00 a month. All voted in favor.

**ADMINISTRATOR'S
REPORT ON STAFF
RESPONSIBILITIES**

Mr. Drum stated that he is in the process of reviewing staff salaries based on the League of Municipalities annual survey and will have a recommendation for the Board within thirty to sixty days.

CLOSED SESSION

Council Member L. Lowman made a motion at 7:19 p.m. to recess into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. All voted in favor.

Council Member B. Lowman made a motion to return to open session at 8:05 p.m. All voted in favor.

**NEW BUSINESS:
RESIGNATION OF LEON
KING AND VACANT
COUNCIL SEAT
DISCUSSION**

Mayor Cook informed Council that Leon King submitted his resignation letter to the Board effective February 25, 2016. Mr. Dill explained that the Board has the option to put forth a candidate to vote on and the candidate will fill the role until the next election. He suggested that the Board wait until July 2016 due to the stress of the budget process so that the new person can start with a new budget year. It was decided that the Town advertise the opening on the website and to continue to take applications and to address the issue at the July meeting.

**POLICY CHANGES TO
INTEGRATE**

Mayor Cook reviewed the list of responsibilities for the town administrator which include: serve as the Town's Budget

ADMINISTRATOR-
APPROVALS

Officer, Personnel Manager, and Office Manager; authority to sign checks; approve expenditures and contracts up to \$1,000; and sign all purchase orders and contracts. Mayor Cook recommended increasing the spending authority and Attorney Dill agreed that \$1,000 was too low for an administrator.

Mr. Drum stated that there is a General Statute that allows delegating the authority to the administrator for disposal of personal property up to \$10,000 which could help eliminate numerous meetings. He stated that any controversial contracts would be brought to the Board for approval and that he would approve routine maintenance items already in the budget. He stated that the Board needs to develop a trust with him. He suggested at some point, the Board delegate the authority to him for disposal of personal property up to \$10,000.

Council Member B. Lowman made a motion to increase the expenditure authority for the town administrator from \$1,000 to \$5,000. All voted in favor. A copy of the town administrator duties is hereby incorporated by reference and made a part of these minutes (Attachment C.)

The revised contract and purchasing policy to incorporate the town administrator was reviewed. Council Member L. Lowman stated that he wanted to keep the approval of all contracts with the Board.

Mr. Drum stated that any controversial contract would be bid out and brought to the Board. He suggested that any contract that the Board is satisfied with, that a renewal be approved by the Board without rebidding. He stated that he would only approve routine, maintenance items that he obtained pricing for without bringing to the Board. For the first year, he will most likely bring all contracts to the Board for approval and he would feel the Board out during the year and would not automatically approve every contract.

Council Member B. Lowman made a motion to revise the contract and purchasing policy to state that all contracts and expenditures greater than \$5,000 shall be approved by the Town Council in an open meeting. Council Members Banks, B. Lowman and York voted in favor. Council Member L. Lowman was opposed. The motion passed. A copy of the contract and purchasing policy is hereby incorporated by reference and made a part of these minutes (Attachment D.)

DECISIONS OF
UPCOMING EVENTS AT
TOWN HALL FACILITY

Attorney Dill wanted to review all events that are being held on the Town Hall facility to ensure that no one was allowed on the property due to the fire at the complex and safety issues around the building. The April craft show and the Memorial Day events have been cancelled. The farmers market has been moved to the old library parking lot across the street. Council Member B. Lowman made a motion to hold the Christmas craft show. Council Member Banks, B. Lowman and York voted in favor. Council Member L. Lowman opposed the motion. The motion carried.

Mayor Cook reminded Council that the Town of Long View has suggested that the two towns work together and hold the cruise ins at the Long View Recreation Center. It was announced that Rex Lail will not be doing cruise ins this year. Attorney Dill suggested that the cruise ins be cancelled until the property is subject to be used for that purpose. Council was in agreement.

Mayor Cook reported that she has spoken to the Principal at the elementary school and when the auditorium becomes available, the school would like to use it for a puppet show and an awards event in the gym in June. Attorney Dill advised that there be strict parking restrictions due to the severe safety issues of the unstable building.

REVIEW OF TOWN
CONTRACTS AND
LEASES

Copies of the service contracts that are up for renewal July 1, 2016 were provided for review. Mr. Drum stated that he feels some of the contracts could be combined. He suggested that all the street mowing could be combined and all the park work could be combined. If the Board is satisfied with the current contracts, it could ask the current vendor to renew at the current pricing. He pointed out that all the provided contracts are service contracts and there is no requirement by law to bid those out. One of the advantages to bidding out for more than one year is the potential for better pricing.

SNOW REMOVAL

Mayor Cook reviewed timing issues with the current vendor and the DOT during the last snow. Mr. Drum suggested that the specifications for the snow removal contract include that the contractor try to create lanes so that two cars can pass, if possible. He also explained that asking the contractor to clean out each driveway will be very cost prohibitive and that homeowners need to take responsibility to shovel their own driveway. He suggested that the Town be responsible for clearing the driveways for any special situation for the couple of residents that need road access for medical reasons. Mr. Drum will obtain quotes for snow removal.

HWY 70A/RAILROAD

Mayor Cook reported that the railroad has a new representative in the Greensboro area who does not want anyone on the property along Hwy 70A. Attorney Dill stated that he has a real concern using Town resources on railroad property. He understands that the mowing looks better and there is emotional ties to the trees that were planted there but the property belongs to the railroad and is not municipal property. Council instructed staff to notify the current contractor that there is not to be any more work done in this area due to the lack of permission from the railroad.

EXIT 119, PARK AND TOWN STREETS

Mr. Drum suggested combining all the town streets into one contract because better pricing might be obtained with a larger contract. He suggested bidding all town streets and Exit 119 maintenance into one contract and requiring both the Road Right-of-Way Pest Control License and the Ornamental & Turf Pest Control License. Council Member L. Lowman does not want to sign any contract for more than a one-year term and does not want to bind the next Council into multi-year contracts.

Council Member L. Lowman wanted to eliminate cleaning the park restrooms on the weekends from the mowing contracts in order to obtain more quotes.

Mr. Drum will work on consolidating the contracts for one-year terms and determining specifications for each contract.

YEARLY LEASES

Mayor Cook reviewed the current square footage of the rental properties and the current pricing. Council decided to wait to determine pricing until the proposed rental fee schedule was determined.

FACILITIES REPORT

The Town Hall complex is being guarded by Griffith Security which is being paid by the Town's insurance. A certificate of occupancy has not been provided to the Town for any of the building. The auditorium and offices have been cleaned and fumed, the HVAC units have been cleaned and new filters installed, and the power has been reconnected. The curtains in the auditorium will be cleaned and re-fireproofed. There is extensive water damage after cleaning in the offices and a scope of work for quotes is underway.

The Easter egg hunt was successful with over 400 participants. Duke Energy has been contacted for lighting options and trees to be cut down in the park have been marked. Quotes for both items will be provided at the next budget meeting. Power to the digital sign will be installed within the next three weeks.

FEBRUARY TAX
REPORT

Ms. Sanders reviewed the February tax report. A copy of the report is hereby incorporated by reference and made a part of these minutes (Attachment E.)

DEPUTY REPORT
GARY TOWERY

Deputy Towery provided his report for the month of February.

COMMITTEE REPORTS
& UPDATES

Transportation Advisory Committee (COG) – Mayor Cook reported that work at Exit 104 should be completed within six to eight weeks. Exit 105 is complete. Morganton received funds for road maintenance on the NE section of town. Two roads were removed from the list and roads on the Eastern end of the County were added.

WPCOG Policy Board –Council Member B. Lowman reported that Section 8 housing applications will be accepted April 19-21, 2016 in all DSS offices. Morganton reported that a boarding school for math and science will open but the location is to be determined. The Catawba NC Works Career Center is opening soon. The regional aging services has been devising a new plan to communicate to the community. The agency can support aging adults with insurance information, facilities in the area and helping aging citizens find places to stay to remain independent. The Board also reviewed its current year budget.

Burke Economic Development Representative – Mayor Cook reported that the Town attended a County meeting several years ago about having an industrial park centrally located in the County. Hildebran chose not to participate because the Town already had one in town limits. To date, electrical and grading have been done at the County site. A company has approached the County about a spec building for their company if the County will donate the land to the company. Mayor Cook chose not to vote since Hildebran did not have any monetary investments with the project. There was a closed session that involved a discussion on bringing businesses to the Eastern part of the County.

Recreation and Tourism Committee – Council Member York reported that the swimming pool will not be open for the summer. There was damage due to groundhogs that is too expensive to repair. Mike Orders and Fred Brown resigned from the EB YAO and Hildebran/Icard Community Development Association Board. Tim Lebow replaced Mr. Brown's seat. The organization has leased the old library to a church.

VEDIC – Mayor Cook did not attend the meeting but reported that there will be a foreclosure on one industry.

Water Resource Committee – Planner Schotte had no report from the committee.

Ms. Schotte reminded Council that the Planning Board is working on a minimum standards for occupancy ordinance for the Town and should be able to present to Council for approval in June.

209A/B S. CENTER ST.
CONDEMNATION

Ms. Schotte reported that there are two buildings located at 209 A and 209 B South Center Street that have been condemned by the County. The County gave the property owner 60 days to either begin repairs or demolish the building which expired last week. It is now up to the Town to determine what the next step will be moving forward. If the Board chooses to demolish the buildings, the first step would be to obtain an asbestos inspection. Quotes were obtained and the estimated cost would be up to \$1,000 for both buildings. If asbestos is found, an abatement design would then need to be done before acquiring quotes. Then, the next step would be to obtain bids for demolition.

The property owner, Marcella Livert, contacted Ms. Schotte and stated that she did not completely understand the order and had health issues and requested an additional 30 days to take action. Ms. Schotte stated that the official letters from the County Building Services were provided to the Board with the general statute that gives the Town the authority to take action.

Mayor Cook suggested tabling the decision until the next month. Attorney Dill suggested having Ms. Livert come to the next meeting to explain why the Town should not demolish the property and move forward.

Council Member L. Lowman stated that even if the buildings are renovated, Ms. Livert is still in violation because there is not enough room for parking and setbacks. Ms. Schotte confirmed that the buildings do not meet the requirements of the Town's ordinances. The owner did get an electrical permit.

Council Member L. Lowman made a motion to begin the process to demolish the buildings by approving a contract with Catawba Valley Engineering and Testing to obtain an asbestos inspection up to \$1,000 and to approve a budget amendment not to exceed \$1,000. All voted in favor. A copy of this budget amendment is hereby incorporated and made a part of these minutes (Attachment F.) Ms. Schotte informed the Board that

all of the home owner’s property will have a lien on the property for all the expenses incurred to demolish the buildings.

OTHER BUSINESS

Mayor Cook reminded the Board that it voted in December to suspend all part-time positions until Mr. Drum could do a time study. She asked the Board’s permission to bring back the seasonal maintenance worker to help Mr. Bivens during the mowing season and for Mr. Drum to continue his study for the administrative position. Mr. Drum stated that he wanted to clarify the Board’s wishes because the motion read to suspend part-time administrative positions. He stated that he would continue to evaluate the need for an administrative part-time position over the next few months. Council Member L. Lowman made a motion to bring back the part-time seasonal maintenance worker. All voted in favor.

Mayor Cook informed Council Member B. Lowman that information regarding the NC Litter Sweep was provided in the packet and suggested she review the information and discuss at the next budget meeting.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENT

Troy Smart stated that HHDA will not be doing any cruise ins this year. He requested that public comments be moved back to the beginning of the meeting so that the public can make comments prior to Board action.

Richard Bell provided his thoughts about the lack of attendance at the firefighters’ breakfast, the administrator and the vacant Council seat.

Mayor Cook announced that she was out of Town during the firefighters’ fundraiser breakfast and provided a donation to the department.

ADJOURNMENT

All business being concluded, Council Member L. Lowman made a motion to adjourn at 9:38 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor